

**SUPREME COURT MINUTES  
TUESDAY, FEBRUARY 5, 2008  
SAN FRANCISCO, CALIFORNIA**

**S159310**      C057509 Third Appellate District

**BALCOM (TIMOTHY B.) v.  
S.C. (PIERCE)**

Petition for review and application for stay denied

**S154790**      D049430 Fourth Appellate District, Div. 1

**21ST CENTURY INSURANCE  
COMPANY v. S.C.  
(QUINTANA)**

Extension of time granted

On application of real party in interest and good cause appearing, it is ordered that the time to serve and file the reply brief is extended to March 10, 2008.

**S156416**      B195521 Second Appellate District, Div. 4

**JACOBSON (ARNOLD) ON  
H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the petitioner's opening brief on the merits is extended to February 29, 2008.

**S159846**      B203715 Second Appellate District, Div. 8

**ZAHORIK (MARTIN A.) v.  
S.C. (PEOPLE)**

Extension of time granted

On application of real party in interest and good cause appearing, it is ordered that the time to serve and file the real party in interest's answer to petition for review is extended to February 6, 2008.

**S082915****PEOPLE v. EUBANKS  
(SUSAN DIANE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Michael Meaney is hereby appointed to represent appellant Susan Dianne Eubanks for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court. Any “petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months” of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of this court’s delay in appointing habeas corpus/executive clemency counsel on behalf of appellant Susan Dianne Eubanks.

**S158076** C052606 Third Appellate District**PEOPLE v. DIECK (RONALD  
WILLIAM)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Central California Appellate Program is hereby appointed to represent appellant on the appeal now pending in this court. Appellant’s brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

**S158084** E041331 Fourth Appellate District, Div. 2**PEOPLE v. S.C. (SMITH)**

Counsel appointment order filed

Upon request of real party in interest for appointment of counsel, Appellate Defenders, Inc., is hereby appointed to represent real party in interest on the appeal now pending in this court. The brief on the merits must be served and filed on or before 30 days from the date petitioner’s opening brief on the merits is filed.

**S158278** F051941 Fifth Appellate District**PEOPLE v. ALLISON  
(BARBARA HALLEN)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Central California Appellate Program is hereby appointed to represent appellant on the appeal now pending in this court.

**S158881****DELL'OSSO ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that MICHAEL THOMAS DELL'OSSO State Bar No. 103439 be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* It is further ordered that respondent make restitution to Selfa Alvarez Bromberg in the amount of \$2,000 plus 10 percent interest per annum from January 26, 2006, (or to the Client Security Fund to the extent of any payment from the fund to Selfa Alvarez Bromberg, plus interest and costs, in accordance with Business and Professions Code section 6140.5) within 30 days following the effective date of this order or within 30 days following the Client Security Fund payment, whichever is later (Rules Proc. of State Bar, rule 291). Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, Section 6126, subd. (c).)

**S158886****TROVER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that STEPHEN PATRICK TROVER, State Bar No. 142919 be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 3, 2007. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 9.20 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code, Section 6126, subd. (c).)

**S158893****PADRICK ON DISCIPLINE**

Recommended discipline imposed

It is ordered that ROBERT GORDON PADRICK, State Bar No. 103971, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on October 3, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S158882****VORHES ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of JONATHAN CLAY VORHES, State Bar No. 190033, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, Section 6126, subd. (c).)

**S158883****LOFFARELLI ON  
RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of THOMAS CHARLES LOFFARELLI, State Bar No. 159724, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, Section 6126, subd. (c).)

**S158885****ARTNETT ON  
RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of JOHN GILLESPIE HARTNETT, State Bar No. 49505, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, Section 6126, subd. (c).)

**S158887****DORITY ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of AVERY E. DORITY, State Bar No. 198638, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, Section 6126, subd. (c).)

**SUPREME COURT MINUTES  
TUESDAY, FEBRUARY 5, 2008  
SACRAMENTO, CALIFORNIA**

The Supreme Court of California convened in its courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California, on Tuesday, February 5, 2008, at 2:00 p.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan.

Officers present: Frederick K. Ohlrich, Clerk, and Gail Gray, Calendar Coordinator.

Justice Kathryn Mickle Werdegar, not participating, in consideration of the following case, did not take the bench.

The Honorable James R. Lambden, Associate Justice, Court of Appeal, First District, Division Two, sitting on the following case under assignment by the chairperson of the Judicial Council, joined the court at the bench.

S129463      City of Hope National Medical Center, Plaintiff and Respondent,  
                         v.  
                         Genentech, Inc., Defendant and Appellant.  
Cause called. Jerome B. Falk, Jr., argued for Appellant.  
Peter W. Davis argued for Respondent.  
Mr. Falk replied.  
Cause submitted.

Justice Kathryn Mickle Werdegar returned to the bench.

S051451     The People, Respondent,  
                 v.  
                 Alfredo Valencia, Appellant.  
Cause called. Donald J. Ayoob, Office of the State Public Defender,  
argued for Appellant.  
Ivy B. Fitzpatrick, Office of the Attorney General, argued for  
Respondent.  
Mr. Ayoob replied.  
Cause submitted.

Chief Justice Ronald M. George, not participating, in consideration of the following case, did not take the bench.

The Honorable James J. Marchiano, Associate Justice, Court of Appeal, First District, Division One, sitting on the following case under assignment by the chairperson of the Judicial Council, joined the court at the bench.

S093765     The People, Respondent,  
                 v.  
                 Kenneth Earl Gay, Appellant.  
Cause called. Therene Powell, Court-appointed Counsel, argued for  
Appellant.  
Lance Winters, Office of the Attorney General, argued for Respondent.  
Ms. Powell replied.  
Cause submitted.

Court recessed until Wednesday, February 6, 2008, at 9:00 a.m.

**SUPREME COURT MINUTES  
WEDNESDAY, FEBRUARY 6, 2008  
SACRAMENTO, CALIFORNIA**

The Supreme Court of California reconvened in its courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California, on Wednesday, February 6, 2008, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan.

Officers present: Frederick K. Ohlrich, Clerk, and Gail Gray, Calendar Coordinator.

S147767 Cable Connection, Inc., et al., Plaintiffs and Appellants,  
v.  
Directv, Inc., Defendant and Respondent.  
Cause called. Michael E. Baumann, argued for Respondent.  
Daniel Osborn, argued for Appellants.  
Mr. Baumann replied.  
Cause submitted.

S144492 Manta Management Corporation, Cross-complainant and Respondent,  
v.  
City of San Bernardino, Cross-defendant and Appellant.  
Cause called. Christopher D. Lockwood, argued for Appellant.  
Roger Jon Diamond, argued for Respondent.  
Mr. Lockwood replied.  
Cause submitted.



S058528 &  
S060781

In re Adam Miranda on Habeas Corpus. (Consolidated Cases)  
Cause called. Kerry Bensinger and George Hedges, Court-appointed  
Counsel, argued for Petitioner.  
J. Michael Lehmann, Office of the Attorney General, argued for  
Respondent.  
Mr. Bensinger replied.  
Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.  
Members of the court and officers present as first shown.

S140612

The People, Plaintiff and Respondent,  
v.  
Alfonso Gomez, Defendant and Appellant.  
Cause called. Michael Bacall, Court-appointed Counsel, argued for  
Appellant.  
Lise Jacobson, Office of the Attorney General, argued for Respondent.  
Mr. Bacall replied.  
Cause submitted.

S031603

The People, Respondent,  
v.  
John Irving Lewis, Appellant.  
Cause called. Kathleen M. Scheidel, Appointed Counsel, Office of the  
State Public Defender, argued for Appellant.  
Deborah J. Chuang, Office of the Attorney General, argued for  
Respondent.  
Ms. Scheidel replied.  
Cause submitted.

S074414     The People, Respondent,  
                 v.  
                 Samuel Jiminez Zamudio, Appellant.  
Cause called. Peter R. Silten, Appointed Counsel, Office of the  
State Public Defender, argued for Appellant.  
Herbert S. Tetef, Office of the Attorney General, argued for  
Respondent.  
Mr. Silten replied.  
Cause submitted.

Court adjourned.